

Appl. No.: 10/723,401  
Amdt. Dated: April 15, 2008  
Reply of Office action of January 15, 2008

Docket No.: SECH-10159

### **REMARKS**

Claims 12-14, 16, 17 and 20 are currently pending in the application. Applicant has added new claim 20 which incorporates the subject matter of independent claim 10, dependent claim 11, dependent claim 15 and the allowable subject matter of dependent claim 19. The dependency of claims 12, 14, 16 and 17 has been changed from claim 11 to claim 20. Applicant requests reconsideration of the application in light of the following remarks.

### **Telephone Interview**

Applicant's attorney wishes to thank the Examiner for his courtesy and time during a telephone interview that was held on January 24, 2008. After a review of the office action by Applicant's attorney, claim 19 was noted as not rejected over prior art. According to the Examiner during the aforementioned telephone interview, claim 19 should only be objected to as containing allowable subject matter but dependent on a rejected base claim. The Examiner further stated that claim 19 should also not be rejected under section 112 and that Applicant can place claim 19 in a condition for allowance by filing an amendment and that the amendment would be entered.

### **Request to Admit the Amendment**

Applicant believes that the foregoing amendment complies with the Examiner's requirement of form and further believes that this amendment presents the rejected claims in better form for appeal. Pursuant to 37 C.F.R. § 1.116(a), Applicant requests the Examiner admit the amendment. However, even if the Examiner decides not to admit the amendment

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under 37 C.F.R. § 1.116(a), Applicant respectfully requests the Examiner admit the amendment pursuant to 37 C.F.R. § 1.116(b). The foregoing amendment is necessary to sufficiently define the invention described in claim 19, rewritten in independent form as new claim 20. Upon these good and sufficient reasons for why the amendment is necessary and was not earlier presented, Applicants request the Examiner admit the amendment pursuant to either 37 C.F.R. § 1.116(a) or 37 C.F.R. § 1.116(b).

#### **Rejections under 35 U.S.C. §112**

Claims 18-19 stand rejected by the Examiner under 35 U.S.C. 112. In accordance with this rejection, the claims have been amended to comply with the examiner's suggestions and are now believed to conform with Section 112. Applicant respectfully requests that the rejection of claims 18 and 19 under 35 U.S.C. § 112 be withdrawn.

Claims 18 and 19 have now been canceled thus obviating the above rejection.

#### **Rejections under 35 U.S.C. 102/§103**

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Brothers v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The identical invention must be shown in as complete detail as is contained in the claim. *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

To establish a *prima facie* case of obviousness under 35 U.S.C. §103, three basic criteria must be met. First, there must be some suggestion or motivation, either in the

references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Third, the cited prior art reference must teach or suggest all of the claim limitations. Furthermore, the suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based upon the Applicants' disclosure. A failure to meet any one of these criteria is a failure to establish a *prima facie* case of obviousness. MPEP §2143.

### **Claims**

Claims 1-18 were rejected under 35 USC 102 (a, e) as anticipated by or, in the alternative under 35 U.S.C. § 103(a, e) as being unpatentable over Zhang et al. (U.S. Publication No. 2003/0099762, hereinafter "Zhang"). Applicant respectfully traverses this rejection and requests reconsideration of the claims.

Claims 1-11, 15 and 18 have been canceled and claims 12, 14, 16 and 17 have been amended thus obviating the above rejection.

### **Doctrine of Equivalents**

Applicant hereby declares that any amendments herein that are not specifically made for the purpose of patentability are made for other purposes, such as clarification, and that no such changes shall be construed as limiting the scope of the claims or the application of the Doctrine of Equivalents.

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### **CONCLUSION**

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

If any fees, including extension of time fees or additional claims fees, are due as a result of this response, please charge Deposit Account No. 19-0513. This authorization is intended to act as a constructive petition for an extension of time, should an extension of time be needed as a result of this response. The examiner is invited to telephone the undersigned if this would in any way advance the prosecution of this case.

Respectfully submitted,

Date: April 15, 2008

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